

**STATE OF NEW HAMPSHIRE**  
**DEPARTMENT OF LABOR**  
**CONCORD, NEW HAMPSHIRE**



V

**SEACOAST DETAILING SERVICES**

**DECISION OF THE HEARING OFFICER**

**Nature of Dispute:** RSA 275:43 I unpaid wages  
**Employer:** Seacoast Detailing Services, 98 Epping Rd., Exeter, NH 03833  
**Date of Hearing:** April 20, 2015  
**Case No.** 49891

**BACKGROUND AND STATEMENT OF THE ISSUES**

A Wage Claim was filed with the Department of Labor on February 19, 2015. The notice was sent to the employer and there was no written objection. The Notice of Hearing was sent to both parties on March 31, 2015. The employer did participate, telephonically, in the hearing.

In a Motion to Pay, offered by the employer, the Owner stated that he was willing to pay the claimant \$550.00 in a period of fifteen days. The claimant accepted this offer to pay as a resolution to the Wage Claim.

**FINDINGS OF FACT**

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee:

- (a) In lawful money of the United States;
- (b) By electronic fund transfer;
- (c) By direct deposit with written authorization of the employee to banks of the employee's choice;
- (d) By a payroll card provided that the employer shall provide to the employee at least one free means to withdraw up to and including the full amount of the employee balance in the employee's payroll card or payroll card account during each pay period at a financial institution or other location convenient to the place of employment. None of the employer's costs associated with a payroll card or payroll card account shall be passed on to the employee; or
- (e) With checks on a financial institution convenient to the place of employment where suitable arrangements are made for the cashing of such checks by employees for the full

amount of the wages due; provided, however, that if an employer elects to pay employees as specified in subparagraphs (b), (c), or (d), the employer shall offer employees the option of being paid as specified in subparagraph (e), and further provided that all wages in the nature of health and welfare fund or pension fund contributions required pursuant to a health and welfare fund trust agreement, pension fund trust agreement, collective bargaining agreement, or other agreement adopted for the benefit of employees and agreed to by the employer shall be paid by every such employer within 30 days of the date of demand for such payment, the payment to be made to the administrator or other designated official of the applicable health and welfare or pension trust fund.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

The employer has agreed to pay the claimant \$550.00 to settle the Wage Claim and this was accepted by the claimant.

It is the finding of the Hearing Officer that the parties have reached an agreement on the amount to be paid to settle the Wage Claim. The Hearing Officer finds that this is an accepted settlement.

The Wage Claim is valid in the amount of \$550.00.

#### **DECISION AND ORDER**

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Hearing Officer finds that the claimant was not paid all wages due. The Wage Claim is settled by the agreement of the two parties. It is hereby ruled that the Wage Claim is valid in the amount of \$550.00.

The employer is hereby ordered to send a check to this Department, payable to Tyler [REDACTED] in the total of \$550.00, less any applicable taxes, within 20 days of the date of this Order.

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Thomas F. Hardiman  
Hearing Officer

Date of Decision: April 22, 2015

TFH/kdc